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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~Applicant~~ : Rake et al.
 Appl. No. : 09/892,900
 Filed : June 26, 2001
 For : PLATEN PUMP
 Examiner : Karin Reichle

Group Art Unit 3761

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April 20, 2004

~~Curtiss C. Dosier, Reg. No. 46,670~~

PETITION UNDER 37 C.F.R. § 1.78(A)(6)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present application was amended to include a reference to prior-filed applications ("the original reference") by a preliminary amendment filed with the present application. Thus, the original reference was timely filed. However, the original reference inadvertently omitted one application (i.e., the 08/008,790 application) from the family of related applications. Applicants filed an amendment on July 29, 2003 attempting to correct the reference. However, the amendment to the priority claim was not entered by the Examiner. Therefore, in accordance with 37 C.F.R. § 1.78(a)(6), Applicants hereby petition for acceptance of an unintentionally delayed amendment to the claim for the benefit of prior-filed applications and request entry of the amendment to the priority claim filed July 29, 2003.

It is Applicants' understanding that a petition under 37 C.F.R. § 1.78(a)(3) or (a)(6) is not required when the claim of priority, although not timely included in the first sentence of the specification, is included in the oath or declaration or a transmittal letter and the Office notes the claim for priority. This is because the application would have been scheduled for publication on the basis of the priority information in the oath or declaration, or transmittal letter.

In the present application, a reference to prior applications was included as the first sentence of the specification as of the filing date of the present application although, as mentioned above, one application was inadvertently omitted. Nonetheless, the claim of priority was acknowledged by the Office and the present application was appropriately scheduled for publication based on the originally submitted priority information. Applicants further note that the earliest effective filing date in the original reference is the same as the earliest effective filing date in the amended reference.


Thus, because the appropriate information for the purpose of scheduling publication was timely presented, and acknowledged by the Office, Applicants believe that no petition fee should be required in the instant application. However, if the Office determines that a petition fee is necessary, please charge the petition fee under 37 C.F.R. § 1.17(t), and any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

The entire delay between the date that the priority claim was due and the date the corrected priority claim was filed was unintentional.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: APRIL 20, 2004

By: 
Curtiss C. Dosier
Registration No. 46,670
Attorney of Record
Customer No. 20,995
(949) 760-0404